

5. However, Twitter intends to file a joint response with the Google Entities and none of the Google Entities have yet been served.

6. Twitter therefore moves the Court for an extension of time to respond to Plaintiff's Complaint and motions so that its responses are due at the same time as the Google Entities, which would be twenty-one (21) days following service of Google or YouTube, whichever is later.

7. Pursuant to Local Rule 7.1(c), counsel for Twitter has conferred with Plaintiff, who assents to the relief requested herein.

8. Due to the nature of this motion, no memorandum of law is necessary.

WHEREFORE, Defendant Twitter respectfully requests that this Honorable Court:

- A) Grant the Motion;
- B) Extend the time for Twitter to respond to Plaintiff's Complaint and motions so that its responses are due at the same time as the Google Entities, which would be twenty-one (21) days following service of Google or YouTube, whichever is later;
- C) Grant such further relief as this Court deems just and necessary.

Respectfully submitted,
Counsel for Twitter, Inc.,

April 26, 2018

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin (NH Bar # 19570)
107 Storrs Street
Concord, NH 03301
(603) 225-7262
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Case 1:17-cv-00733-PB Document 23 Filed 04/26/18 Page 2 of 2

April 26, 2018

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record, and that a copy of the same was sent via U.S. mail to Plaintiff.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:17-cv-00749-JD Document 8 Filed 04/30/18 Page 3 of 3

Respectfully submitted,
Counsel for Twitter, Inc.,

April 30, 2018

/s/ Timothy J. McLaughlin
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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record, and that a copy of the same was sent via U.S. Mail to Plaintiff.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:17-cv-00749-JD Document 9 Filed 04/30/18 Page 2 of 2

- OR -

(X) The filing party has none of the above: Twitter is a publicly held corporation, does not have a parent corporation and no publicly held corporation owns more than 10% of its stock.

Respectfully submitted,
Counsel for Twitter, Inc.,

April 30, 2018

/s/ Timothy J. McLaughlin
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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record, and that a copy of the same was sent via U.S. mail to Plaintiff.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:17-cv-00749-JD Document 22 Filed 05/15/18 Page 2 of 2

WHEREFORE, Defendants respectfully request that the Court grant this motion.

Respectfully submitted,
Counsel for Defendants,

May 15, 2018

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin (NH Bar # 19570)
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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

- C) Stay the current deadline for Twitter, Google, and YouTube's response to twenty-one (21) days following service on YouTube;
- D) Grant such further relief as this Court deems just and necessary.

May 3, 2018

Respectfully submitted,
Counsel for Google LLC and Twitter, Inc.,

/s/ Timothy J. McLaughlin
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I hereby certify that on this 3rd day of May, 2018, the foregoing was served by the Court's electronic filing system on all counsel and parties of record, and that a copy of the same was sent via U.S. mail to Plaintiff.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:18-cv-00203-PB Document 16 Filed 05/03/18 Page 2 of 2

- O R -

() The filing party has none of the above: the filing party is a publicly held corporation, does not have a parent corporation and no publicly held corporation owns more than 10% of its stock.

May 3, 2018

Respectfully submitted,
Counsel for Google LLC

/s/ Timothy J. McLaughlin
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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record, and that a copy of the same was sent via U.S. mail to Plaintiff.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:18-cv-00203-PB Document 17 Filed 05/03/18 Page 2 of 2

- OR -

(X) The filing party has none of the above: Twitter is a publicly held corporation, does not have a parent corporation and no publicly held corporation owns more than 10% of its stock.

Respectfully submitted,
Counsel for Twitter, Inc.,

May 3, 2018

/s/ Timothy J. McLaughlin
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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record, and that a copy of the same was sent via U.S. mail to Plaintiff.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:18-cv-00203-PB Document 24 Filed 05/08/18 Page 2 of 2

Respectfully submitted,

Counsel for Twitter, Inc.

May 8, 2018

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

IV. CONCLUSION

For the reasons above, Defendant Twitter respectfully request that the Court dismiss Plaintiff's claims against Twitter with prejudice. Alternatively, any surviving claims against Twitter should be transferred to the Northern District of California.

Respectfully submitted,

Counsel for Twitter, Inc.

May 8, 2018

/s/ Timothy J. McLaughlin
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I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record as well as parties not registered on the Court's CM/EFC system by U.S. mail.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:18-cv-00203-PB Document 25 Filed 05/08/18 Page 2 of 2

Respectfully submitted,

*Counsel for Defendants Google LLC and
YouTube, LLC,*

May 8, 2018

/s/ Timothy J. McLaughlin
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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Fourth, transferring the case to California would not violate the public policy of New Hampshire. On the contrary, the purpose of a forum selection clause “is, at least in part, to protect defendants and give them a voice as to where a dispute will be heard and resolved.” *Claudio-De Leon*, 775 F.3d at 47 (citing *Huffington v. T.C. Grp., LLC*, 637 F.3d 18, 22-23 & n.3 (1st Cir. 2011); *C. Pappas Co. v. E. & J. Gallo Winery*, 565 F. Supp. 1015, 1018 (D. Mass. 1983)). Here, transferring the cases is consistent with this State’s public policy.

Taken together, there is no reason to overcome “the presumption of enforceability” requiring plaintiffs to bring their claims against Google and YouTube in the Northern District of California. If the case survives at all, it should be transferred.

IV. CONCLUSION

For the reasons above, Defendants Google and YouTube respectfully request that the Court dismiss Plaintiff’s claims with prejudice. Alternatively, any surviving claims against Google and YouTube should be transferred to the Northern District of California.

Respectfully submitted,

*Counsel for Defendants Google LLC and
YouTube, LLC,*

May 8, 2018

/s/ Timothy J. McLaughlin
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Case 1:18-cv-00203-PB Document 26 Filed 05/08/18 Page 2 of 2

- O R -

() The filing party has none of the above.

Respectfully submitted,

Counsel for YouTube, LLC,

May 8, 2018

/s/ Timothy J. McLaughlin

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/s/ Timothy J. McLaughlin

Timothy J. McLaughlin

Case 1:18-cv-00203-PB Document 27 Filed 05/08/18 Page 7 of 7

Respectfully submitted,

*Counsel for Defendants Google LLC,
YouTube, LLC and Twitter, Inc.,*

May 8, 2018

/s/ Timothy J. McLaughlin
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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record as well as parties not registered on the Court's CM/EFC system by U.S. mail.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

May 10, 2018

Respectfully submitted,

TWITTER, INC.

/s/ Timothy J. McLaughlin
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CERTIFICATE OF SERVICE

I hereby certify that on this date, the forgoing was served by the Court's electronic filing system on all counsel and parties of record, and that a copy of the same was sent via U.S. Mail to Plaintiff.

/s/ Timothy J. McLaughlin

Case 1:17-cv-00749-JD Document 22 Filed 05/15/18 Page 2 of 2

WHEREFORE, Defendants respectfully request that the Court grant this motion.

Respectfully submitted,
Counsel for Defendants,

May 15, 2018

/s/ Timothy J. McLaughlin
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I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record and to parties not registered with the Court's CM/EFC system by U.S. Mail.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:17-cv-00749-JD Document 22-1 Filed 05/15/18 Page 17 of 17

Respectfully submitted,
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May 15, 2018

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I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record and to parties not registered with the Court's CM/EFC system by U.S. Mail.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:17-cv-00733-PB Document 56 Filed 05/15/18 Page 2 of 2

WHEREFORE, Defendants respectfully request that the Court grant this motion.

Respectfully submitted,
Counsel for Defendants,

May 15, 2018

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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record or for parties not registered with the Court' CM/ECF system by U.S. Mail.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

but the most exceptional cases.” *Id.* By consenting to the forum selection clause, Plaintiff “has waived . . . the right to challenge the preselected forum as inconvenient.” *See Wingo*, 2014 WL 7013826, at *3. “As a consequence, a district court may consider arguments about public-interest factors only.” *Atl. Marine*, 571 U.S. at 65. Here, transferring the case would not violate the public policy of New Hampshire. To the contrary, the purpose of a forum selection clause “is, at least in part, to protect defendants and give them a voice as to where a dispute will be heard and resolved.” *Claudio-De Leon*, 775 F.3d at 47 (citing *Huffington v. T.C. Grp., LLC*, 637 F.3d 18, 22-23 & n.3 (1st Cir. 2011); *C. Pappas Co. v. E. & J. Gallo Winery*, 565 F. Supp. 1015, 1018 (D. Mass. 1983)). Transferring the case is therefore consistent with this State’s public policy.

Taken together, there is no reason to override “the presumption of enforceability” that requires Plaintiff to bring her complaint against Defendants in the Northern District of California. Therefore, if any claims survive, they should be transferred accordingly.

IV. CONCLUSION

For the reasons above, Defendants respectfully request that the Court dismiss Plaintiff’s claims with prejudice. Alternatively, any surviving claims against Defendants should be transferred to the Northern District of California.

WHEREFORE, Defendants respectfully request that the Court grant this motion.

Respectfully submitted,
Counsel for Defendants,

May 15, 2018

/s/ Timothy J. McLaughlin
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Plaintiff Exhibit 019

Case 1:17-cv-00733-PB Document 56-1 Filed 05/15/18 Page 23 of 23

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I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record or for parties not registered with the Court's CM/ECF system by U.S. Mail.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:17-cv-00733-PB Document 57 Filed 05/15/18 Page 12 of 12

May 15, 2018

Respectfully submitted,
Counsel for Defendants,

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:17-cv-00749-JD Document 23 Filed 05/16/18 Page 2 of 2

- O R -

() The filing party has none of the above: the filing party is a publicly held corporation, does not have a parent corporation and no publicly held corporation owns more than 10% of its stock.

Respectfully submitted,

Counsel for Google LLC

May 16, 2018

/s/ Timothy J. McLaughlin
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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record, and that a copy of the same was sent via U.S. mail to Plaintiff.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Plaintiff Exhibit 021

Case 1:17-cv-00749-JD Document 24 Filed 05/16/18 Page 2 of 2

- O R -

() The filing party has none of the above.

Respectfully submitted,

Counsel for YouTube, LLC,

May 16, 2018

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin (NH Bar # 19570)
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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:17-cv-00733-PB Document 58 Filed 05/16/18 Page 2 of 2

() The filing party has none of the above: the filing party is a publicly held corporation, does not have a parent corporation and no publicly held corporation owns more than 10% of its stock.

Respectfully submitted,

Counsel for Google LLC,

May 16, 2018

/s/ Timothy J. McLaughlin
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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record, and that a copy of the same was sent via U.S. mail to Plaintiff.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Plaintiff Exhibit 023

Case 1:17-cv-00733-PB Document 59 Filed 05/16/18 Page 2 of 2

() The filing party has none of the above.

Respectfully submitted,

Counsel for YouTube, LLC,

May 16, 2018

/s/ Timothy J. McLaughlin

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/s/ Timothy J. McLaughlin

Timothy J. McLaughlin

“harass[ing] her and highlight[ing] the false content under her name, which they continue to highlight.”

Google has already responded to this assertion. *See* Dkt. 57. In sum, it is unclear what Plaintiff is claiming because Plaintiff alleges in her Complaint only that Google removed her blog from the Internet. *See* Dkt. 1 ¶¶ 8, 16. There are no facts regarding a “fake profile” and no attendant cause of action either. Further, any purported constitutional violations fail because Google is not a state actor, and any claims based on exercises of Google’s editorial discretion, such as a decision to remove content (or not), are barred by the CDA and the First Amendment.

B. No Hearing Is Necessary to Adjudicate This Motion.

Plaintiff’s Motion is meritless and the Court has already received Defendants’ briefing on these issues. There is no need for the parties to appear and argue about these baseless claims.

IV. CONCLUSION

Defendants respectfully request that the Court deny Plaintiff’s Motion.

Respectfully submitted,

Counsel for Defendants,

May 17, 2018

/s/ Timothy J. McLaughlin
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Additionally, because this claim relates only to the payment of money damages, Plaintiff cannot show irreparable harm. *See Vaqueria Tres Monjitas*, 587 F.3d at 485.

B. No Hearing Is Necessary to Adjudicate This Motion.

Plaintiff's Motion is meritless and the Court has already received Defendants' briefing on these issues. There is no need for the parties to appear and argue about these baseless claims.⁴

IV. CONCLUSION

Defendants respectfully request that the Court deny Plaintiff's Motion.⁵

Respectfully submitted,
*Counsel for Defendants Google LLC,
YouTube, LLC and Twitter, Inc.,*

May 17, 2018

/s/ Timothy J. McLaughlin
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⁴ To the extent Plaintiff seeks reimbursement of his costs to travel to and from any hearing, he cites no authority to support shifting those costs to Defendants.

⁵ These same arguments in this objection apply to Plaintiff's *Ex-Parte Emergency Motion* ("the *Ex Parte* Motion"), Dkt. 4, although it is unclear that Plaintiff himself actually brought the motion as it is signed by Natasha DeLima. The *Ex Parte* Motion makes similar assertions (e.g., that Defendants have locked him out of his accounts) and asks for similar relief, such as the return of "virtual property" and the payment of alleged compensation due. Dkt. 4 at 2-3. These assertions lack merit, as outlined in Defendants' motions to dismiss, which means Plaintiff cannot show any likelihood of success on the merits, much less a strong likelihood. *See* Dkts. 24-25. Setting aside the merits, Plaintiff's *Ex Parte* Motion fails to show any irreparable harm justifying preliminary relief. Lastly, the allegations are not specific to Plaintiff and the pleading is signed by someone else. Accordingly, the *Ex Parte* Motion should also be denied.

about how these alleged actions irreparably harmed Plaintiff. And to the extent this claim (or any other) is related only to having lost money, that type of harm is not irreparable. *See Vaqueria Tres Monjitas*, 587 F.3d at 485 (“traditional economic damages” that, if proven could “be remedied by compensatory awards” . . . “do not rise to the level of being irreparable.”).

B. The Court Should Deny Plaintiff’s Request for Sanctions.

Plaintiff also asks for “sanctions” against Defendants if they “tamper with [his accounts] again.” Dkt. 9 at 1. There is no legal or factual basis for a preliminary injunction, let alone for sanctions, particularly based on speculative, uncertain future conduct. This request should be denied.

IV. CONCLUSION

Defendants respectfully request that the Court deny Plaintiff’s Motion.

Respectfully submitted,

Counsel for Defendants Twitter, Inc. and
YouTube, LLC

May 22, 2018

/s/ Timothy J. McLaughlin
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Complaint, and is litigating the case. Because Twitter is not in default, Plaintiff is not entitled to a default judgment for the damages and injunctive relief she seeks. *See* Fed. R. Civ. P. 55(b).

IV. CONCLUSION

Defendants respectfully request that the Court deny Plaintiff's Demand for Settlement (Dkt. 30) and Request for Default Ruling on Twitter (Dkt. 31).

Respectfully submitted,

*Counsel for Twitter, Inc., YouTube, LLC,
and Google LLC*

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin (NH Bar # 19570)
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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record, and that a copy of the same was sent via U.S. mail to Plaintiff.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Respectfully submitted,

*Counsel for Twitter, Inc., YouTube, LLC,
and Google LLC*

/s/ Timothy J. McLaughlin

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Respectfully submitted,

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and Google LLC*

/s/ Timothy J. McLaughlin
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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

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Respectfully submitted,

Counsel for Defendants,

May 25, 2018

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:18-cv-00203-PB Document 67 Filed 05/25/18 Page 6 of 6

Respectfully submitted,

Counsel for Defendant,

May 25, 2018

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

III. CONCLUSION

For the reasons above, Defendants respectfully request that the Court dismiss Plaintiff's claims with prejudice. Alternatively, any surviving claims against Defendants should be transferred to the Northern District of California.

Respectfully submitted,

Counsel for Defendants,

May 25, 2018

/s/ Timothy J. McLaughlin
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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

C. The Court Should Deny Plaintiff's Request for Sanctions.

Plaintiff also asks for "sanctions" against Defendants if they "tamper with [her accounts] again." Dkt. 17. There is no basis for a preliminary injunction, let alone for sanctions, particularly based on speculative, uncertain future conduct. This request should be denied.

IV. CONCLUSION

Defendants respectfully request that the Court deny Plaintiff's Motion.

May 29, 2018

Respectfully submitted,

GOOGLE LLC and YOUTUBE, LLC

By their Attorneys,

SHAHEEN & GORDON, P.A.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin (NH Bar# 19570)
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/s/ Timothy J. McLaughlin

(D. Mass. Feb. 7, 2017) (denying motions pertaining to evidentiary issues while adjudicating motion to dismiss); *Zagklara v. Sprague Energy Corp.*, No. 10-cv-445-GZS, 2013 WL 12234457, at *1 (D. Me. Jan. 15, 2013) (declining to enter prior to trial a blanket evidentiary ruling regarding exclusion of spoliation evidence at closing arguments); *Stacey v. Bangor Punta Corp.*, 620 F. Supp. 636, 637 (D. Me. 1985) (denying as premature a motion for a pretrial order regarding the admissibility of evidence regarding a settlement agreement allegedly exempt from F.R.E. 408 restrictions, because “neither the Court nor the parties can anticipate exactly the context in which Defendants will seek to offer evidence” related to the settlement). There are no such facts or arguments presented (nor could there be) and the Court should therefore deny Plaintiff’s motion.

IV. CONCLUSION

For the reasons stated above, Google and YouTube respectfully request that the Court deny Plaintiff’s Motion for Leave to Play Videos. Dkt. 18.

May 29, 2018

Respectfully submitted,

GOOGLE LLC and YOUTUBE, LLC

By their Attorneys,

SHAHEEN & GORDON, P.A.

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Plaintiff Exhibit 035

why these disclosures are required now, or why such categories are tailored to the needs of the case.²

IV. CONCLUSION

For the reasons stated above, Google and YouTube respectfully request that the Court deny Plaintiff's Motion docketed at Dkt. 19.

May 29, 2018

Respectfully submitted,

GOOGLE LLC and YOUTUBE, LLC

By their Attorneys,

SHAHEEN & GORDON, P.A.

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/s/ Timothy J. McLaughlin

² The information sought would also be objectionable for other reasons, including, but not limited to, because it seeks vastly overbroad discovery unrelated to Plaintiff's actual allegations.

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Respectfully submitted,

Counsel for Defendants,

June 1, 2018

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/s/ Timothy J. McLaughlin

Timothy J. McLaughlin

Case 1:17-cv-00733-PB Document 90 Filed 06/01/18 Page 5 of 5

Respectfully submitted,

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/s/ Timothy J. McLaughlin

Timothy J. McLaughlin

Case 1:17-cv-00733-PB Document 91 Filed 06/01/18 Page 6 of 6

Respectfully submitted,

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:18-cv-00203-PB Document 73 Filed 06/01/18 Page 7 of 7

Respectfully submitted,

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June 1, 2018

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:18-cv-00203-PB Document 74 Filed 06/01/18 Page 5 of 5

Respectfully submitted,

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:18-cv-00203-PB Document 75 Filed 06/01/18 Page 6 of 6

Respectfully submitted,

Counsel for Defendants,

June 1, 2018

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/s/ Timothy J. McLaughlin

Timothy J. McLaughlin

other words, by its terms, default is appropriate only where a party has not responded to a plaintiff's complaint. Google and YouTube jointly moved to dismiss Plaintiff's Complaint on May 8, 2018, fourteen days after service on Google. *See* Dkt. 24. Twitter moved to dismiss that same day (thirteen days after service). Dkt. 25. This was within the period set out by this Court's Order of March 14.⁴ *See* Dkt. 6. Google and Twitter each appeared on May 3, and no separate notice of appearance was required for YouTube. *See* Local Rule 83.6.

There is no basis to find a party in default where the party has appeared, responded to the Complaint, and is litigating the case. To the extent that Plaintiff seeks a default judgment, he is not entitled to such a judgment because Defendants are not in default. *See* Fed. R. Civ. P. 55(b).

III. CONCLUSION

Defendants request that the Court deny Plaintiff's Motion to Strike, Dkt. 57.

Respectfully submitted,

Counsel for Defendants

June 6, 2018

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⁴ Or, per footnote 1, *supra*, 21 days, as stated in the body of the Order.

Case 1:18-cv-00203-PB Document 77 Filed 06/06/18 Page 5 of 5

Respectfully submitted,

Counsel for Defendants

June 6, 2018

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:18-cv-00203-PB Document 78 Filed 06/06/18 Page 2 of 2

Respectfully submitted,

Counsel for Defendants

June 6, 2018

/s/ Timothy J. McLaughlin

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/s/ Timothy J. McLaughlin

Timothy J. McLaughlin

7013826, at *3. “As a consequence, a district court may consider arguments about public-interest factors only.” *Atl. Marine*, 571 U.S. at 65. Here, transferring the case would not violate the public policy of New Hampshire. To the contrary, the purpose of a forum selection clause “is, at least in part, to protect defendants and give them a voice as to where a dispute will be heard and resolved.” *Claudio-De Leon*, 775 F.3d at 47 (citing *Huffington v. T.C. Grp., LLC*, 637 F.3d 18, 22-23 & n.3 (1st Cir. 2011); *C. Pappas Co. v. E. & J. Gallo Winery*, 565 F. Supp. 1015, 1018 (D. Mass. 1983)). Transferring the case is therefore consistent with this State’s public policy.

Taken together, there is no reason to override “the presumption of enforceability” that requires Plaintiff to bring his complaint against Defendants in the Northern District of California. Therefore, if any claims survive, they should be transferred accordingly.

IV. CONCLUSION

For the reasons above, Defendants respectfully request that the Court dismiss Plaintiff’s claims with prejudice. Alternatively, any surviving claims against Defendants should be transferred to the Northern District of California.

Respectfully submitted,

Counsel for Defendants

June 6, 2018

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May 15, 2018, 21 days after they were served. *See* Dkt. 56. Neither filed a separate notice of appearance because, under Local Rule 83.6, “[t]he filing of an appearance or any signed filing, except a motion under LR 83.2, constitutes an appearance by the attorney who signs it.”

There is no basis to find a party in default where the party has appeared, responded to the Complaint, and is litigating the case. To the extent that Plaintiff seeks a default judgment, she is not entitled to such a judgment because Defendants are not in default. *See* Fed. R. Civ. P. 55(b).

III. CONCLUSION

Defendants request that the Court deny Plaintiff’s Request for Default, Dkt. 70.

Respectfully submitted,

Counsel for Defendants

June 6, 2018

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

B. Plaintiff Is Not Entitled to a Default Ruling Against Defendants.

If Plaintiff seeks a default ruling against Defendants, she is not entitled to that either. Default may only be entered “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend” against the Complaint. Fed. R. Civ. P. 55(a). In other words, by its terms, default is appropriate only where a party has not responded to a plaintiff’s complaint. Google and YouTube jointly moved to dismiss Plaintiff’s Complaint on May 15, 2018, 21 days after they were served. *See* Dkt. 56. Neither filed a separate notice of appearance because, under Local Rule 83.6, “[t]he filing of an appearance or any signed filing, except a motion under LR 83.2, constitutes an appearance by the attorney who signs it.”

There is no basis to find a party in default where the party has appeared, responded to the Complaint, and is litigating the case. To the extent that Plaintiff seeks a default judgment, she is not entitled to such a judgment because Defendants are not in default. *See* Fed. R. Civ. P. 55(b).

III. CONCLUSION

Defendants request that the Court deny Plaintiff’s Request for Default, Dkt. 71.

Respectfully submitted,

Counsel for Defendants

June 6, 2018

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Plaintiff Exhibit 048

Case 1:17-cv-00733-PB Document 95 Filed 06/06/18 Page 2 of 2

2. A proposed order is attached hereto.

WHEREFORE, Defendants respectfully request that the Court grant this motion.

Respectfully submitted,

Counsel for Defendants

June 6, 2018

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

parties' agreement as to the most proper forum," and it should be given "controlling weight in all but the most exceptional cases." *Id.* By consenting to the forum selection clause, Plaintiff "has waived . . . the right to challenge the preselected forum as inconvenient." *See Wingo*, 2014 WL 7013826, at *3. "As a consequence, a district court may consider arguments about public-interest factors only." *Atl. Marine*, 571 U.S. at 65. Here, transferring the case would not violate the public policy of New Hampshire. To the contrary, the purpose of a forum selection clause "is, at least in part, to protect defendants and give them a voice as to where a dispute will be heard and resolved." *Claudio-De Leon*, 775 F.3d at 47 (citing *Huffington v. T.C. Grp., LLC*, 637 F.3d 18, 22-23 & n.3 (1st Cir. 2011); *C. Pappas Co. v. E. & J. Gallo Winery*, 565 F. Supp. 1015, 1018 (D. Mass. 1983)). Transferring the case is therefore consistent with this State's public policy.

Taken together, there is no reason to override "the presumption of enforceability" that requires Plaintiff to bring her complaint against Defendants in the Northern District of California. Therefore, if any claims survive, they should be transferred accordingly.

IV. CONCLUSION

For the reasons above, Defendants respectfully request that the Court dismiss Plaintiff's claims with prejudice. Alternatively, any surviving claims against Defendants should be transferred to the Northern District of California.

Respectfully submitted,

Counsel for Defendants

June 6, 2018

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Ryan Mrazik (*pro hac* motion to be filed)

Plaintiff Exhibit 050

Case 1:17-cv-00733-PB Document 97 Filed 06/12/18 Page 2 of 3

1. Defendants have today filed a Memorandum of Points and Authorities in Support of this Motion.
2. A proposed order is attached hereto.

WHEREFORE, Defendants respectfully request that the Court grant this motion.

Respectfully submitted jointly,

*By counsel for defendants Google, LLC,
Twitter, Inc. and YouTube LLC,*

June 12, 2018

/s/ Timothy J. McLaughlin
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*And by counsel for defendant Facebook,
Inc.,*

/s/ Joseph Aronson

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MATAN SHACHAM
(*pro hac* motion pending)

Plaintiff Exhibit 051

IV. CONCLUSION AND RELIEF REQUESTED

For the foregoing reasons, Defendants request that the Court continue the initial conference currently set for June 26, 2018 (and all associated deadlines), and continue any deadlines for Defendants' to respond to Plaintiff's motions filed since the March 14, 2018 Order or filed hereafter, until after it rules on the Defendants' Motions to Dismiss.

Respectfully submitted jointly,

*By counsel for defendants Google, LLC,
Twitter, Inc. and YouTube LLC,*

June 12, 2018

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin (NH Bar # 19570)
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*And by counsel for defendant Facebook,
Inc.,*

/s/ Joseph Aronson

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2. A proposed order is attached hereto.

WHEREFORE, Defendants respectfully request that the Court grant this motion.

Respectfully submitted jointly,

*By counsel for defendants Google, LLC,
Twitter, Inc. and YouTube LLC,*

June 12, 2018

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin (NH Bar # 19570)
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Plaintiff Exhibit 053

Accordingly, Defendants request that this Motion to Stay be granted, that the Court continue the June 26 hearing (and any associated deadlines), and continue any deadlines to respond to motions filed by Plaintiff since the March 14, 2018 Order or filed hereafter, until after resolution of Defendants' Motions to Dismiss.

C. Request for Expedited Relief

Defendants asks that the Court grant this relief on an expedited basis, pursuant to Local Rule 7.1(f). There is urgency given that (1) the deadline for the parties to confer, prepare for, and appear at a hearing is fast approaching and (2) Plaintiff has continued to file more motions and requests for relief that are duplicative, unnecessary, and inappropriate.

Defendants have attempted to engage with Plaintiff in good faith and respond diligently to the pleadings filed in this case, but now are forced to seek Court relief. Defendants sought to resolve this with Plaintiff and seek assent to this relief, but were unable to. Defendants thus request that the Court enter a stay pending resolution of Defendants' Motions to Dismiss.

IV. CONCLUSION AND RELIEF REQUESTED

For the foregoing reasons, Defendants request that the Court continue the initial conference currently set for June 26, 2018 (and all associated deadlines), and continue any deadlines for Defendants' to respond to Plaintiff's motions filed since the March 14, 2018 Order or filed hereafter, until after it rules on the Defendants' Motions to Dismiss.

Respectfully submitted jointly,

*By counsel for defendants Google, LLC,
Twitter, Inc. and YouTube LLC,*

June 12, 2018

/s/ Timothy J. McLaughlin
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*And by counsel for defendant Facebook,
Inc.,*

/s/ Joseph Aronson

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CERTIFICATE OF SERVICE

I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record as well as will be served by U.S. Mail on all parties not registered with the Court's electronic filing system.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

not identify any specific laws (other than an EU regulation) that he believes Defendants are violating, does not identify the “virtual laws” that he claims Defendants are following instead, and does not explain how those “virtual laws” conflict with what he calls “actual” laws.

At bottom, Plaintiff does not seek any relief, and has not provided a basis for relief in any event. The Motion, like the 18 other motions Plaintiff has filed thus far, should be denied.

Respectfully submitted,

*By counsel for defendants Google, LLC,
Twitter, Inc. and YouTube LLC,*

June 15, 2018

/s/ Timothy J. McLaughlin
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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

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Respectfully submitted,

*By counsel for defendant
Twitter, Inc.*

June 15, 2018

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

Case 1:17-cv-00733-PB Document 103 Filed 06/15/18 Page 3 of 3

Respectfully submitted,

By counsel for defendant Twitter, Inc.

June 15, 2018

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

does not identify any specific laws (other than an EU regulation) that she believes Defendants are violating, does not identify the “virtual laws” that she claims Defendants are following instead, and does not explain how those “virtual laws” conflict with what she calls “actual” laws.

At bottom, Plaintiff does not seek any relief, and has not provided a basis for relief in any event. The Motion, like the 28 other motions Plaintiff has filed thus far, should be denied.

Respectfully submitted,

*By counsel for defendants Google, LLC,
Twitter, Inc. and YouTube LLC,*

June 15, 2018

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

that a single attorney cannot represent several defendants in the same action. Moreover, Plaintiff has not identified what pleadings are “illicit,” much less explained how they are illicit.

Lastly, as with all Plaintiff’s prior motions in this matter, the Motion violates Local Rule 7.1(c) because Plaintiff has not provided a certification of a good faith attempt to obtain concurrence in the relief sought. It should be denied for this additional reason.

Defendants therefore respectfully request that the Court deny Plaintiff’s Motion.

Respectfully submitted,

*By counsel for defendants Google, LLC,
Twitter, Inc. and YouTube LLC,*

June 29, 2018

/s/ Timothy J. McLaughlin
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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

because Google² and YouTube did not file a notice of appearance.³ Defendants, however, timely moved to dismiss both Plaintiff's initial complaint and First Amended Complaint ("FAC"), *see* Dkts. 24-25 and 78, and no separate notices of appearance were required because, under Local Rule 83.6, "[t]he filing of an appearance or any signed filing, except a motion under LR 83.2, constitutes an appearance by the attorney who signs it." Defendants' initial motion to dismiss therefore served as their notice of appearance, and no separate notice was required.

Lastly, as with all Plaintiff's prior motions in this matter, the Motion violates Local Rule 7.1(c) because Plaintiff has not provided a certification of a good faith attempt to obtain concurrence in the relief sought. It should be denied for this additional reason.

Defendants therefore respectfully request that the Court deny Plaintiff's Motion.

Respectfully submitted,

*By counsel for defendants Google, LLC,
Twitter, Inc. and YouTube LLC,*

June 29, 2018

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² Blogspot.com is owned by Google and used with Google's service Blogger. Google has responded to Plaintiff's allegations as to Blogspot.com.

³ This is effectively the same request Plaintiff made in his earlier "Joint Motion to Strike Answers of Facebook and Twitter," Dkt. 70, and "Motion to Strike Illicit Pleadings," Dkt. 57. The Motion also includes personal attacks on defense counsel, refers to bar complaints Plaintiff is pursuing against defense counsel, and makes false allegations regarding defense counsel's conduct. These allegations are baseless, and have no bearing on this Motion or case.

granting Plaintiff any relief, to the extent he seeks any. *See, e.g.*, June 18, 2018 Order, Dkt. 90 at 4 (rejecting Plaintiff's "settlement demands" and noting that "[s]uch documents are not properly filed on the court's docket"). Ultimately, Plaintiff's Memorandum is a baseless attack on defense counsel, and has no bearing on the merits of this case. Defendants therefore respectfully request that the Court either take no action concerning this Memorandum, because it is not a proper motion, or affirmatively deny it to the extent Plaintiff is seeking any relief.

Respectfully submitted,

*By counsel for defendants Google, LLC,
Twitter, Inc. and YouTube LLC,*

June 29, 2018

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/s/ Timothy J. McLaughlin
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Respectfully submitted,

Counsel for Defendants Google LLC and
YouTube, LLC

SHAHEEN & GORDON, P.A.

July 16, 2018

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I hereby certify that on this date, the foregoing was served by the Court's electronic filing system on all counsel and parties of record and parties not registered with the Court' CM/ECF system will be served by U.S. Mail.

/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

attorney cannot represent several defendants in the same action. Moreover, Plaintiff has not identified what pleadings are “illicit,” much less explained how they are illicit.

Lastly, as with all Plaintiff’s prior motions in this matter, the Motion violates Local Rule 7.1(c) because Plaintiff has not provided a certification of a good faith attempt to obtain concurrence in the relief sought. It should be denied for this additional reason.

Defendants therefore respectfully request that the Court deny Plaintiff’s Motion.

Respectfully submitted,

Counsel for Defendants

June 29, 2018

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin

to dismiss both Plaintiff's initial complaint and First Amended Complaint ("FAC"), *see* Dkts. 56, 71, 84, and 95, and no separate notices of appearance were required because, under Local Rule 83.6, "[t]he filing of an appearance or any signed filing, except a motion under LR 83.2, constitutes an appearance by the attorney who signs it." Defendants' initial motion to dismiss therefore served as their notice of appearance, and no separate notice was required.

Lastly, as with all Plaintiff's prior motions in this matter, the Motion violates Local Rule 7.1(c) because Plaintiff has not provided a certification of a good faith attempt to obtain concurrence in the relief sought. It should be denied for this additional reason.

Defendants therefore respectfully request that the Court deny Plaintiff's Motion.

Respectfully submitted,

Counsel for Defendants

June 6, 2018

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/s/ Timothy J. McLaughlin
 Timothy J. McLaughlin

Plaintiff Exhibit 064

at 4 (rejecting Plaintiff's "settlement demands" and noting that "[s]uch documents are not properly filed on the court's docket"). Ultimately, Plaintiff's Memorandum is a baseless attack on defense counsel, and has no bearing on the merits of this case. Defendants therefore respectfully request that the Court either take no action concerning this Memorandum, because it is not a proper motion, or affirmatively deny it to the extent Plaintiff is seeking any relief.

Respectfully submitted,

Counsel for Defendants

June 29, 2018

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/s/ Timothy J. McLaughlin
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Case 1:17-cv-00733-PB Document 116 Filed 07/16/18 Page 4 of 4

Respectfully submitted,

*Counsel for Defendants Google LLC and
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July 16, 2018

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/s/ Timothy J. McLaughlin
Timothy J. McLaughlin